

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Breen on April 9, 2009.

The application has been amended as follows:

In the claims:

claim 1, line 2, after "a first population of microorganisms" inserted –  
comprising *Listeria monocytogenes*-- ;

claim 2, canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE K. WARE whose telephone number is (571)272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/DKW/  
Deborah K. Ware  
Examiner  
Art Unit 1651

/David M. Naff/  
Primary Examiner  
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